

HONORABLE BENJAMIN H. SETTLE

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

SYNTRIX BIOSYSTEMS, INC., a Delaware corporation,	)	No. 3:10-cv-05870-BHS
	)	
Plaintiff,	)	DECLARATION OF JEFFREY G. FRANK IN SUPPORT OF PLAINTIFF
v.	)	SYNTRIX BIOSYSTEMS' RESPONSE
	)	TO DEFENDANT'S MOTION FOR
ILLUMINA, INC., a Delaware Corporation,	)	PARTIAL SUMMARY JUDGMENT ON
	)	NON-PATENT CLAIMS
Defendant.	)	
	)	

Jeffrey G. Frank declares as follows:

1. I am counsel of record for Plaintiff Syntrix Biosystems, Inc., in the above-entitled action. I am of legal age, have personal knowledge of the testimony contained in this declaration, and am otherwise competent to testify.

2. A true and correct copy of U.S. Patent No. 6,951,682 is attached hereto as **Exhibit A.**

3. A true and correct copy of Nondisclosure Agreement between Syntrix Biochip and Illumina, dated Jan. 20, 2000, SYN029754-56, and attached hereto as **Exhibit B.**

4. A true and correct copy of Syntrix multimedia presentation (SYN017711) and attached hereto as **Exhibit C.**

5. A true and correct copy of excerpts of the videotaped deposition of Dr. John Zebala, dated July 23, July 24, August 21, 2012 and attached hereto as **Exhibit D.**

DECLARATION OF JEFFREY G. FRANK - 1  
Case No. 3:10-cv-05870-BHS

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SEATTLE, WASHINGTON 98101-3299  
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6. A true and correct copy of the Dickinson Provisional Patent Application No. 60/181631 (SYN043254-259) attached hereto as **Exhibit E**.

7. A true and correct copy of excerpts of the videotaped deposition of Jeff Oster, dated August 22, 2012 and attached hereto as **Exhibit F**.

8. A true and correct copy of the Request for *Ex Parte* Reexamination of U.S. Patent No. 6,951,682 as filed with the United States Patent and Trademark Office attached hereto as **Exhibit G**.

9. A true and correct copy of excerpts of the videotaped deposition of John R. Stuelpnagel taken June 1, 2012 and attached hereto as **Exhibit H**.

10. A true and correct copy of the *Ex Parte* Reexamination Certificate of U.S. Patent No. 6,951,682 dated June 29, 2010 attached hereto as **Exhibit I**.

11. A true and correct copy of an email from Dr. Barany to Dr. John Zebala dated September 14, 2006 (SYN032234) attached hereto as **Exhibit J**.

12. A true and correct copy of correspondence from Mr. Jeff Oster to Mr. Chris Cabou dated January 24, 2007 (ILMN\_SYNTRIX0225369-70) attached hereto as **Exhibit K**.

13. A true and correct copy of correspondence from Mr. Jeff Oster to Mr. Chris Cabou dated August 11, 2007 (ILMN\_SYNTRIX0225358-64) attached hereto as **Exhibit L**.

14. A true and correct copy of correspondence from Mr. Jeff Oster to Mr. Chris Cabou dated February 1, 2008 (ILMN\_SYNTRIX0225435-37) attached hereto as **Exhibit M**.

Executed at Seattle, Washington, on Thursday, December 20, 2012.

s/Jeffrey G. Frank  
Jeffrey G. Frank, WSBA # 16287

Certificate of Service

The undersigned certifies that on *Thursday, December 20, 2012*, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following parties:

	Christopher Schenck	Michael R. Samardzija
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REPRESENTING:	Defendant Illumina, Inc.	

DATED December 20, 2012 in Seattle, Washington.

s/s Jeffrey G. Frank  
Jeffrey G. Frank